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In the

Supreme Court of the United States

OCTOBER TERM, 1966

No. 915

BARBARA JUNE MUNCY AND CHARLES MUNCY,
Petitioners,

v.

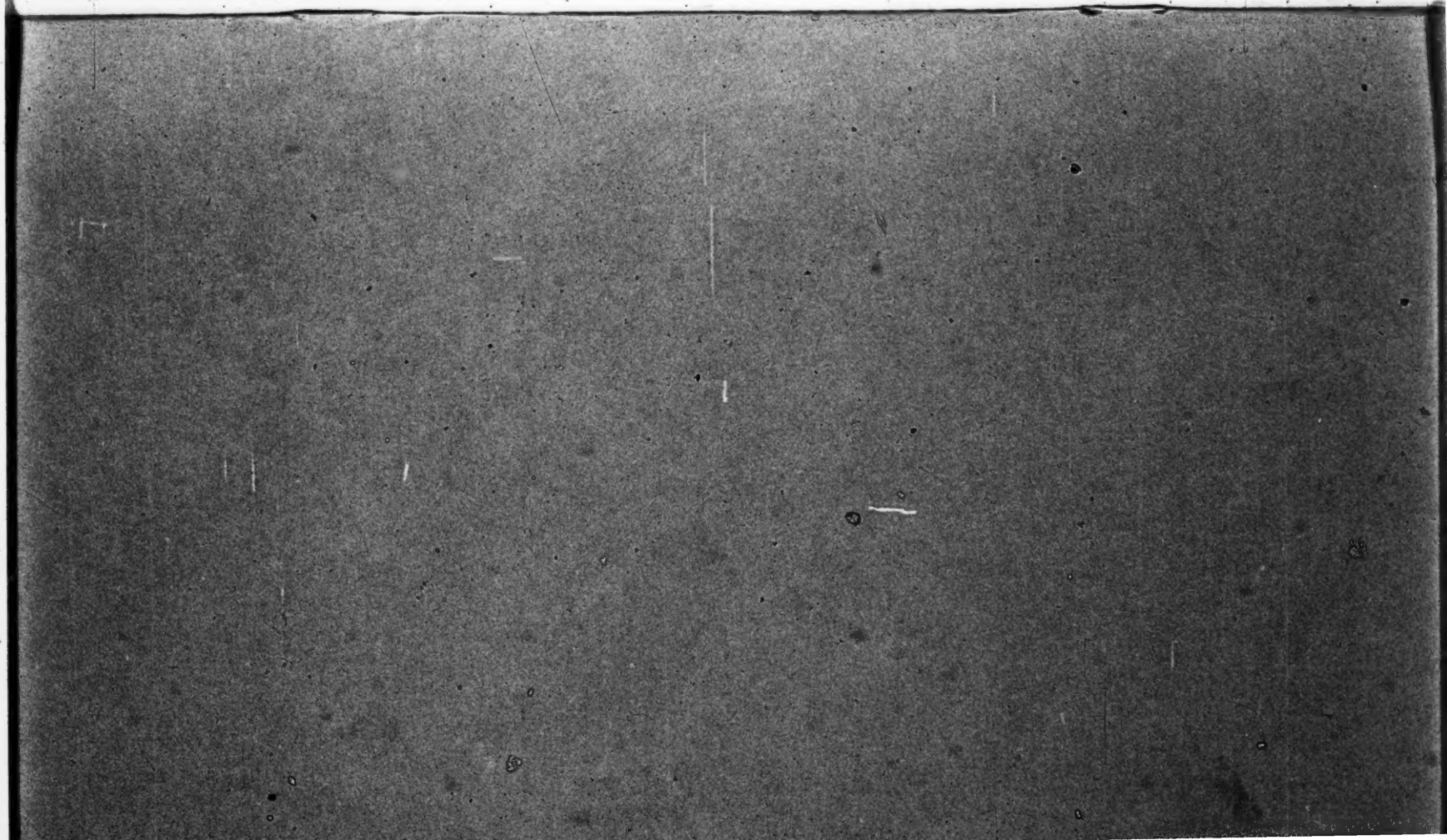
GENERAL MOTORS CORPORATION,
Respondent.

Petition For Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit

PETITION FOR REHEARING ON BEHALF OF PETITIONERS

FRANKLIN JONES,
P. O. Drawer 1249,
Marshall, Texas,
WILLIAM HURWITZ,
1021 First National Bank Building,
Longview, Texas,
Attorneys for Petitioners.

WARLICK PRESS, INC.—P. O. BOX 10543—2263 VALDINA STREET—DALLAS—ME 1-3130



Preface

Mr. Justice Black is of the opinion that "Certiorari should be granted" in this runaway-curb-jumping car-pedestrian tragedy. The Court of Appeals directed judgment contrary to a jury verdict of causative negligence. From recent decisions of this Court, it would appear that Mr. Justice Black was not alone in his opinion, and the prayed for relief should be granted.

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Exh. B, Motion altered to show presentation and filing of Motion for Directed Verdict at close of all the evidence April 9, 1964, in lieu of actual date April 18, 1964 ---- 9.

Exh. C, Same but unaltered motion showing actual presentation and file date April 18, 1964 ---- 10.

Exh. D, Respondent's letter transmitting Exh. B and C to Clerk dated April 16, 1964 ---- 11.

Exh. E, Clerk's Notice showing Exh. B and C filed April 18, 1964 ---- 13.

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In the

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BARBARA JUNE MUNCY AND CHARLES MUNCY,

Petitioners,

v.

GENERAL MOTORS CORPORATION,

Respondent.

PETITION FOR REHEARING ON BEHALF OF PETITIONERS

I.

The fact that the printed record erroneously reflects that the renewal of a Motion for Directed Verdict was presented on behalf of the Respondent at the close of *all of the evidence,* when in fact the original instrument shows it was not presented or filed until after the verdict was received and judgment entered thereon, constitutes substantial grounds available to the Petitioners for granting the Writ, although the point has not been previously presented (Sup. Ct.

Rule 58(2)). The decision of this Court in *Neely v. Eby Construction Company*[1] to the effect that an appellate court cannot consider the sufficiency of the evidence, "where the verdict loser has failed strictly to comply with the procedural requirements of Rule 50(b)", compels the Petitioners to call to the attention of the Court this substantial reason for granting a writ. The importance of the question is emphasized by the fact that someone considered it grave enough to justify the spoilation of a filed instrument by falsifying its date of filing and altering the wording in its body.

The "Renewal of Motion for Directed Verdict" (Vol. I, R.505), although appearing in the printed record as having been presented at the close of all of the evidence in the case, was actually made and filed on April 18, 1964, at a time after the verdict had been returned and judgment entered for the Petitioners in the case (See Appendix attached and explained, below).

The record sheet made by the Clerk during the trial (Exhibit A, page 2, p. 8 herein) reflects that no renewal of a motion for directed verdict was made after the case was reopened and additional evidence was taken (also see Vol. II, R.1007). The date of filing of the Renewal Motion appearing in the record (Vol. I, R.505) and the body of the Renewal Motion as originally filed on April 18, 1964, were altered without the knowledge or consent of the Petitioners or their counsel after the instrument was filed, so as to

[1] Decided March 20, 1967, 18 L. Ed. 2d 75, 82 (8, 9).
The trial and lower appellate courts have frequently so held, See: *Massaro v. United States Lines Co.*, 307 F. 2d 299, 303 and cases there cited.

indicate that it was presented on April 9, 1964, instead of April 18, 1964. (See Exhibit B, p. 9 herein, the altered Motion, showing alteration on its face, and Exhibit C, p. 10 herein, showing the copy of the same Renewal Motion which was not altered). While the alteration of the words "New Trial" to "Directed Verdict" is clearly discernible on the attached photostatic copy, the alteration of the date of filing can be better discerned by an examination of the original instrument.

Further evidence that the date of filing of the Renewal Motion was changed is found in the transmittal letter to the Clerk from counsel for Respondent under date of April 16, 1964 (Exhibit D, p. 1, p. 11 herein), and the notification to attorneys of record of the filing of the Renewal Motion on April 18, 1964 (Exhibit E, p. 13 herein). The civil docket sheets likewise show that the Renewal Motion for Directed Verdict (Exhibits B and C, pp. 9 and 10 herein) was filed on April 18, 1964 (original or old docket sheet, Exhibit F, line 7, p. 7, p. 20 herein; Exhibit G, line 6½, p. 7, showing interlineation of altered file date, p. 27 herein).

Certified photostatic copies of all exhibits are attached to the signed copy of this petition, and reproduction of the same is made in the appendix attached.

II.

If the conclusion of the Circuit Court that the testimony of the Co-Defendant, Mrs. Hudnall, was of no probative value because given in response to a leading question to

which objection was not made, and hence "no evidence", the case should have been remanded and not rendered for Respondent. The Petitioners should at some time have had the opportunity of rephrasing the question, if its form did indeed rob the answer of probative effect (which is denied). This could have been done had objection been made in the trial court—doubtless one of the reasons for the salutary rule that appellate complaint may not be made as to the admissibility of testimony without an objection having been made at the time of trial.

It is pointed out that the Dallas Court of Appeals held that the same deposition testimony of Mrs. Hudnall was a sufficient basis for a finding for Petitioners had the trier of the facts so found[2], and which the jury did find on the trial on its merits. Furthermore, our case was not "pitched on the total lack of power in the Court of Appeals to direct entry of judgment for respondent"[3] as in the *Neely* case, where this Court indicated that "where the Court of Appeals sets aside the jury's verdict because the evidence was insufficient to send the case to the jury, it is not so clear that the litigation should be terminated."[4]

---

[2] Petition for Certiorari, A19, 357 S.W. 2d 430, 436(5)—Mrs. Hudnall's "testimony * * * did no more than raise a fact issue. We must presume that the trial court found all fact issues in such a way as to support the judgment." Holding the same and that only the evidence and reasonable inferences which tend to support the case need be looked to, are *Berry v. U. S.*, 312 U.S. 450, 456, 61 S. Ct. 637, 640, 85 L. Ed. 945; and *Wilkerson v. McCarthey*, 336 U.S. 53, 57, 69 S. Ct. 413, 415, 93 L. Ed. 497.

[3] Petition for Certiorari—"Questions Presented," p. 2.

[4] *Neely v. Eby Const. Co.* (March 20, 1967) 18 L. Ed. 2d 83(12), 85(16).

PRAYER

The Petitioners pray that the Court grant this Petition for Rehearing and reconsider their Petition for Certiorari; that this Court issue its Writ of Certiorari or other Writ or suitable order to the Clerk of the United States District Court for the Eastern District of Texas, Marshall Division, requiring that the original of all of the instruments brought forward in the Appendix attached be forwarded under proper safeguards to this Court for examination, or if this Honorable Court considers that procedure for bringing such original instruments before the Court should be initiated in the Circuit Court of Appeals for the the Fifth Circuit or the U. S. District Court for the Eastern District of Texas, that it delay disposition of this Petition for Rehearing until such time as the originals of said records may be procured through such proceedings, to the end that they may be considered; and that upon final hearing this Court grant Certiorari as prayed for in the original Petition on file and in this petition.

Respectfully submitted,

JONES, JONES & BALDWIN,
P. O. Drawer 1249,
Marshall, Texas,
WILLIAM HURWITZ,
1021 First National Bank Building,
Longview, Texas,

By: .....
Attorneys for Petitioners.

CERTIFICATE OF COUNSEL

Franklin Jones, counsel for the Petitioners, certifies that this Petition for Rehearing is presented in good faith and not for delay, and that the Petition is restricted to the grounds specified in Rule 58, Sub-paragraph 2, this the ..... day of May, A.D., 1967.

CERTIFICATE OF SERVICE

I, Franklin Jones, one of the attorneys for Petitioners, and a member of the Bar of the Supreme Court of the United States, hereby certify that on this day I served a copy of the foregoing Petition for Rehearing on Behalf of Petitioners on Mr. Leon Jaworski and Sam H. Hood, counsel for Respondent, and Mr. Thomas W. Watkins, of counsel, by mailing the same, first class, postage prepaid, addressed to their office at the Bank of the Southwest Building, Houston, Texas 77002, and 3044 W. Grand Boulevard, Detroit, Michigan 48202, respectively, dated this the ..... day of ....., 1967.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

DIVISION Marshall DATE 4-9-64

JUDGE _____ REPORTER Allan Burbage, J

Barbara Jeni Muncy et vir
PLAINTIFF

VS

General Motors Corp. et al
DEFANDANT

CIVIL NO. 906

JURY ✓

COURT _____

ATTORNEYS FOR PLAINTIFF See Preceding Page

ATTORNEYS FOR DEFENDANT See Preceding Page

THIS DAY CAME THE PARTIES BY THEIR ATTORNEYS AND THE FOLLOWING PROCEEDINGS WERE HAD:

4-9-64 (9:00 AM) - Jr trial - 3rd day
(9:15 AM) - Defendants Gen Motors, Davis Smith dba Smith Chevrolet Co and Deft C. L Lane, et ux and Mrs Nellie Hudnall Rest
Oral Motion of Deft Davis Smith for Dir Verdict (at close of all the evidence) (Overruled at this time)
Oral Motion of Deft. Gen Motors for

JAMES R. COONEY, CLERK

Hazel E Studdard
DEPUTY

(over)

Directed Verdict (Renewed motion made at end of Last Trial) (at close of all the evidence): Overruled

10:00AM- Deft Davis Smith introduces additional testimony:
Witness: Davis Smith

10:20AM- Deft Davis Smith again closes:
Arguments Begin

12:28PM - Arguments Concluded
1:30PM - Court Begins Charge
2:10 P.M. - Court Finishes Charge
2:12 P.M. - Jury Begins Deliberation
Counsel makes Objections to Charge
all of Defendants' Objections Overruled

Case Be Submitted on Interrogatories

5:17 PM - Filed Jury Verdict in favor of Plaintiff and against Defendants, General Motors Corporation, C. L Lane + wife and Mrs Nellie Hudnall, and assessing damages at $225,000.00

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

MARSHALL DIVISION

FILED

M. 4-9 1964

James R. [illegible], U. S. Dist. Clerk

By Carlyann Gist DEPUTY

BARBARA JUNE MUNCY, ET VIR

VS.

GENERAL MOTORS CORPORATION, ET AL

CIVIL ACTION NO. 906

(Title Omitted)

134

RENEWAL OF MOTION FOR DIRECTED VERDICT

After conclusion of presentation of all the evidence, and after announcement of "rest" by all parties, General Motors Corporation, one of the Defendants in the captioned cause, hereby renews the Motion for Directed Verdict heretofore presented at the conclusion of the presentation of evidence by Plaintiffs, and after announcement of "rest" by Plaintiffs.

Respectfully submitted,

KENLEY, RITTER & BOYLAND

BY [signature]

O R D E R

The renewed Motion for Directed Verdict is by the Court OVERRULED.

[signature]

JUDGE PRESIDING

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

MARSHALL DIVISION

FILED

M. 4-18 1964

James R. Cooney, Clerk, U. S. Court.

By Carolyn Gist DEPUTY

BARBARA JUNE MUNCY, ET VIR

VS.

GENERAL MOTORS CORPORATION, ET AL

CIVIL ACTION NO. 906

RENEWAL OF MOTION FOR DIRECTED VERDICT

After conclusion of presentation of all the evidence, and after announcement of "rest" by all parties, General Motors Corporation, one of the Defendants in the captioned cause, hereby renews the Motion for New Trial heretofore presented at the conclusion of the presentation of evidence by Plaintiffs, and after announcement of "rest" by Plaintiffs.

Respectfully submitted,

KENLEY, RITTER & BOYLAND

BY _____

O R D E R

The renewed Motion for Directed Verdict is by the Court OVERRULED.

_____

JUDGE PRESIDING

R. O. KENLEY, JR.
OTTO A. RITTER
HERBERT BOYLAND
NEAL A. HAWTHORN
JACK N. PRICE

KENLEY, RITTER & BOYLAND
ATTORNEYS AT LAW
PETROLEUM BUILDING
LONGVIEW, TEXAS

PLAZA 6-8251
MAILING ADDRESS
P. O. BOX 312

Exhibit D, page 1

April 16, 1964

U. S. District Clerk
Eastern District of Texas
U. S. Courthouse Building
Jefferson, Texas

Attention: Miss Carlyn Gist

RE: CIVIL ACTION NO. 906; BARBARA JUNE MERCY, ET VIR VS. GENERAL MOTORS CORPORATION, ET AL; KMAB #3988

Dear Miss Gist:

Enclosed you will find the following instruments: (1) Motion for Directed Verdict; (2) Renewal of Motion for Directed Verdict; (3) Motion for Judgment Non Obstante Veredicto; and (4) Motion for New Trial.

The Motion for Directed Verdict was made by reference to the formal Motion dictated during the first trial of the case. Rather than refer back to the record, and incorporate it as part of the record on appeal, I have chosen to reduce it to writing. There are no points contained in the Motion which were not stated at the time the original Motion was made.

I would appreciate it if you would bring these matters to the attention of the Court and secure his signature on the Motion for Directed Verdict, and ruling upon the Motions for Judgment Non Obstante Veredicto and New Trial.

Thank you for your courtesy.

Very truly yours,

KENLEY, RITTER & BOYLAND

Jack N. Price

JNP:mh
enclosures

COPY

Exhibit D, page 2

U. S. District Clerk
Eastern District of Texas
U.S. Courthouse Building
Jefferson, Texas

Attention: Miss Carlyn Gist

Page 2

cc: Mr. Mark Martin, Fidelity Union Tower, Dallas 1, Texas
Mr. Sam P. Burford, 1511 Fidelity Union Life Bldg., Dallas, Tex.
Mr. Gordon Wellborn, P.O. Drawer 411, Henderson, Texas
Mr. William Harwitz, 1021 First National Bank Bldg.,
Longview, Texas
Mr. Franklin Jones, P. O. Drawer 1249, Marshall, Texas

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION 13

NUMBER & STYLE OF CASE, 906, Muncy vs. General Motors

The following motion was filed on 4-18-64 (date):

Motion for Directed Verdict
Renewal for Motion for Directed Verdict
Motion for Judgment Non Obstante Veredicto
Motion for New Trial

There was (~~was not~~) evidence received of the necessary service of motion on the adverse parties. No motion will be presented to the Judge until indication of service is received by the Clerk and the proper time has elapsed as governed by the Rules of this Court. Indication of service is usually given by a statement at the bottom of the motion, below the signature, showing the date a copy of the motion was mailed to adverse party. This statement should be signed.

As soon as a reply to the motion is filed, or when the 8 days allowed for reply have expired (except in cases where the Federal Rules of Civil Procedure allow more than 8 days,) the motion and all related pleadings will be placed on the motion docket and referred immediately to the Judge by the Clerk's Office. In cases in which the FRPC allow more than 8 days, the motion will be submitted immediately upon expiration of the appropriate time.

THE LOCAL RULE is to consider motions on the pleadings, without oral hearing, unless on showing good cause an oral hearing is granted. Request for oral hearing, if any, should be made when the motion, or the reply, is filed. If oral hearing is granted, the Judge will set a date for same and the interested attorneys will be notified.

THE JUDGE desires that memorandum briefs containing authorities relied on as to matters raised in the motion be filed by the respective parties before the motion is submitted.

Please note also that it is the Judge's rule that all documents, including forms of orders and judgments, be sent to the Clerk's Office and not direct to the Judge.

JAMES R. COONEY, CLERK
Carlynn Gist

cc:
All Attorneys of Record

A TRUE COPY I CERTIFY
JAMES R. COONEY, CLERK
U. S. DISTRICT COURT
EASTERN DISTRICT, TEXAS

Exhibit F, page 1

...RSHALL CIVIL DOCKET

UNITED STATES DISTRICT COURT

Pltf's. Jury demand date: 7-27-62 NO. 906

...S. C. Form No. 106 Rev. FPI—LK—9-27-56—20M—...

TITLE OF CASE	ATTORNEYS
BARBARA JUNE MUNCY AND HUSBAND, CHARLES MUNCY (Fayetteville, Ark.) VS. GENERAL MOTORS CORPORATION, DAVIS SMITH, INDIVIDUALLY AND D/B/A SMITH CHEVROLET COMPANY, MRS. NELLIE HUDNALL AND C. L. LANE AND WIFE, ALICE HUDNALL LANE	For plaintiff: Jones, Brian & Jones P. O. Drawer 1249 Marshall, Texas William Hurwitz 1021 First National Bank Building Longview, Texas For defendants Mrs. Nellie Hudnall, C. L. Lane & wife------- Bamford, Byburn & Ford 1511 Fidelity Union Life Bldg., Dallas, and Gordon Melborn, Houston, ... For Deft. Davis Smith, Ind. & D/B/a-- ...2200 Fidelity Union Tower, Dallas, Tex. For Defts. General Motors ... Corp. ...Fulbright, Crooker, Freeman, Bates & Jaworski, Bank of the Southwest Bldg. Houston 2, Texas

$440,339.85- Personal injury to Barbara June Muncy on 9-15-60, in Kilgore, Texas, at front of Duncan's Variety Store. Supposedly parked car of Mr. & Mrs. C. L. Lane, in which Mrs. Nellie Hudnall was a passenger, plunged onto sidewalk allegedly crushing Barbara June Muncy against plate glass window of Duncan's Variety Store. Her left leg amputated above knee. Right leg mutilated and deformed, as result of accident.

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 6 mailed July 1962	Clerk	7-27-62	2106, JBJ	15 00	
	Mars. Lanes-	7-27-62	To Tyler		15 00
	T-$8.30, S-$4.	(C.D. 201	#5)	15 00	15 00
J.S. 6 mailed	Marshal	4-14-64	19996 (Tyler)		
	Hudnall-S-$2.	Registry acct. Home Ind.			
Basis of Action: (7-30-62	Docket Fee $9.10	Co. for Use of Muncys			
Div. Citizenship				5000 00	
	Witness fees	6-15 K.R.B		5 00	Appeal
		6-19 To Tyler		Ck #12	$5 —
Action arose at: Orig.	Depositions	6-22 CA 201 #5			

906

Exhibit F, page 2

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-27-62	Filed Original Complaint of Plaintiff. Summonses issued and handed to Mr. Franklin Jones, Sr. as follows: General Motors Corp., with C.T.Corporation System, Republic National Bank Building, Dallas, Texas, as Agent. Davis Smith, individually and d/b/a Smith Chevrolet Co., Henderson, Rusk Co. Texas C. L. Lane and wife, Alice Hudnall Lane, Overton, Rusk Co., Texas. Mrs. Nellie Hudnall, Overton, Rusk, Co., Texas.	
7-31-62	Filed Marshal's Return- Mrs. Nellie Hudnall served in person at her residence Overton, Texas 7-27-	
7-31-62	Filed Marshal's Return- C.E.Lane served in person at residence, Overton, Texas, on 7-27-62. Mrs.C.L.Lane served at Heiligman Clinic, Overton, Texas, on 7-27-62. - Wm. S. Whiteman, Deputy U.S.Marshal.	
8-4 -62	Filed Marshal's Return- Deft. Davis Smith, Ind. and d/b/a served 7-30-62.	
8-8-62	Filed Original Answer of Mrs. Nellie Hudnall and C. L. Lane & wife with MOTION TO DISMISS.	
8-8-62	Filed Marshal's Return- General Motors served 8-1-62, thru' D. J. Wahl, Dallas.	
8-16-62	Filed Original Answer of Davis Smith, Ind. & d/b/a Smith Chevrolet & MOT. to Di	
8-17-62	Filed Answer of Plaintiffs to Motions to Dismiss now filed or that may be filed. (Above two Motions to Dismiss of Defendants, are MOOT according to Mr. Brian's letter of 8-21-62, and Mr. Burford's letter of 8-24-62.)	
8-23-62	Filed Original Answer of General Motors Corporation and Motion for Change of Venue contained in Par. 4 of Answer.	
8-24-62	Filed Plaintiffs' Motion for More Definite Statement.	
8-30-62	Filed Plaintiffs' Answer to Motion of General Motors Corp. to Transfer Venue to the Tyler Division.	
8-30-62	Filed Memorandum Brief in Support of Plaintiffs' Answer to Motion of General Motors Corporation to Transfer Venue to the Tyler Division.	
9-14-62	Filed Interrogatories by Plaintiffs Pursuant to Rule 33, FRCP to General Motors C	
9-15-62	Filed Request of Defendants, Mrs. Nellie Hudnall & C. L. Lane and wife for Leave to Amend- to include Cross-Action against Gen. Motors & Davis S	
9-19-62	Filed Answer of Davis Smith, Individually & D/B/A, to the Cross-Action of Mrs. Nellie Hudnall and C. L. Lane and wife, Alice Hudnall Lane.	
10-3-62	Filed MOTION of Plaintiffs for Separate Trial of Pleas for Contribution Filed by all Defendants.	
" "	" Brief in Support of Plaintiffs' Motion for Separate Trial of Pleas.	
10-5 -62	Filed ORDER Denying Motion for Change of Venue and Granting Motions for More Definite Statements. JJF V____ P____.	
10-5 -62	" Plaintiffs' Motion for Leave to Amend.	
10-12-62	" ORDER Granting Plaintiffs Leave to Amend, and Amended Original Complaint of Plaintiffs. JJF COB V P____.	
10- 6-62	" Interrogatories by Pltfs. to Davis Smith, Indiv. & d/b/a.(Rule 33)	
10-10-62	Filed Answers of General Motors Corp. to Pltfs'. Interrogatories filed 9-14-62. (Agreed time in which to answer to include 10-10-62.)	
10-11-62	" Supplemental Answer of Deft., Davis Smith, Indiv. and d/b/a/	
10-13-62	" Motion for Order Requiring General Motors to Answer Pltfs'. Interrogatories	
10-13-62	" Motion of Plaintiffs' to Require General Motors to Answer Interrogatories 60(a) and 64(b), and for Discovery.	
10-15-62	" Brief in Support of above two Motions of Plaintiffs.	
10-15-62	" Brief of Davis Smith, Indiv. & d/b/a, in Opposition to the Motion for Separate trials filed by Plaintiffs on 10-3-62.	

DATE	PROCEEDINGS	CLERK'S FEES: PLAINTIFF	CLERK'S FEES: DEFENDANT	AMOUNT REFUNDED OR REMAINING DEPOSITS
10-15-62	Filed ORDER on Plaintiffs' Motion for General Motors Corp. to Answer Interrogatories 60(a) and 64(a) and on Combined Motion to Discover. (15 days from 10-15-62 for General Motors to Answer Interrogatories 60(a) and 64(a) and to have "things" described in Interrogatories in office of Mr. R. O. Kenley, Longview, Texas, at 10 am. 10-30-62.)			
10-15-62	Filed Motion of Mr. & Mrs. C. L. Lane & Mrs. Hudnall for Leave to Amend.			
"	ORDER Granting Leave to Amend. JJF COR V p			
"	Second Amended Original Answer of Mr & Mrs. C. L. Lane & Mrs. Hudnall.			
10-19-62	Filed Answers of Davis Smith & Smith Chevrolet to Plaintiffs' Interrogatori			
10-19-62	Filed Plaintiffs' Motion for Discovery, etc. to all Defendants. Brief to Sup			
10-18-62	Filed Plaintiffs' Request for Admissions, etc. to General Motors Corp.			
10-19-62	Filed Motion of Davis Smith, Indiv. & d/b/a, to Amend and ORDER Granting Davis Smith Leave to Amend. JJF COR V p			
10-19-62	Filed First Amended Original Answer of Davis Smith, Indiv. & d/b/a.			
10-20-62	Filed Notice of Taking Deposition of Miss Lavon Musick by Plaintiffs.			
10-23-62	Filed Plaintiffs' Answer to Motion of General Motors & Davis Smith to not be Compelled to Answer Interrogatories 76 & 77 to General Motors Corp and 27, 28 & 29 to Davis Smith.			
10-23-62	File to Beaumont for action on "Ripe" Motions by Judge Fisher. Set for 11-5-62 ----Cont. for term.			
10-25-62	Filed Plaintiffs' Motion for Leave to Amend(Form for Order & Sec. Amend. Comp			
10-25-62	Filed Motion of Deft., General Motors Corp. for Leave to Amend. (Form of First Amended Answer of Gen. Motrs			
10-26-62	Answer of C. L. Lane & wife and Mrs. Nellie Hudnall to Plaintiffs' Motion for Discovery and Production of Documents, etc.			
10-26-62	Brief in Support of above Answer of C. L. Lane & wife & Mrs. Hudnall.			
10-27-62	Answer of Davis Smith, d/b/a to Plaintiffs' Motion for Discovery, etc.			
10-30-62	Answer of Deft. General Motors Corp. to Plaintiffs' Motion for Discovery and Production of Documents, etc.			
10-31-62	Motion of Deft., Davis Smith, Individually and d/b/a, for Leave to Supplement.			
10-31-62	ORDER Granting Davis Smith Leave to Supplement. JJF COR V p			
10-31-62	Second Supplemental Answer of Davis Smith, Individually & d/b/a.			
11-2- 62	Reply of General Motors for Admission of Facts & Genuineness of Documents.			
11-2 -62	Amended Answers of General Motors Corp. to Plaintiffs' Interrogatories served by letter of 9-13-62 (Filed 9-14-62).			
11-2 -62	Additional Answers, by General Motors Corp. to Interrogatories filed 9-14-62. (Propounded by Plaintiffs & served by letter of 9-13-62.)			
11-4-62	Defendants' First Motion for Continuance (form of order) Not to be contested by plaintiff.			

D. C. 110

DATE	PROCEEDINGS	CLERK'S FEES: PLAINTIFF	CLERK'S FEES: DEFENDANT	AMOUNT REPORTED BY ENCUMBRANCE RETURNED
11-5 -62	Deposition of Witness Charlie H. Flowers. (Not opened)			
12-7-62	Plaintiffs' Notice to Defendants of Taking Deposition on Written Interrogatories Witness, Miss Lavon Musick, Kilgore, Texas.			
12-7-62	Record of Deposition, and Certificate on Deposition Taken on Written Interrogatories of Miss Lavon Musick.			
2-20-63	Interrogatories by Plaintiffs Pursuant to Rule 33, FRCP, to General Motors Corp.			
2-20-63	Interrogatories by Plaintiffs to Davis Smith, Individually & d/b/a, Pursuant R-33.			
2-20-63	Interrogatories by Plaintiffs, Pursuant to Rule 33, FRCP, to Mrs. Alice Hudnall Lane and Mrs. Nellie Hudnall. (2-25-63- Entire file to Beaumont, request of Rosalie Trahanm for pre-trial.)			
2-28-63	Objections of General Motors Corp. to Interrogatories Propounded by Plaintiffs under Rule 33, FRCP. (Filed in Tyler & Orig. & 1 copy to Beaumont for file there.) (2nd copy to Jefferson.)			
3-1 -63	Objections of Defts. Mrs. Alice Hudnall Lane and Mrs. Nellie Hudnall to Interrogatories by Plaintiffs Pursuant to Rule 33, FRCP, and Motion to Strike Interrogatories. (Filed at Jefferson & Orig. to Bmt for file there.)			
3-1-63	Brief in Support of Objections of Defendants Mrs. Alice Hudnall Lane and Mrs. Nellie Hudnall to Interrogatories and Motion to Strike. (to Bmt for file.) Set for 4-1-63			
3-6 -63	Answers of Deft., Davis Smith, d/b/a, Smith Chevrolet Co., to Interrogatories by Plaintiffs Pursuant to Rule 33, FRCP.			
3-16-63	Plaintiffs' Answer to Objections of General Motors Corp. to Interrogatories Served February 19, 1963, and Alternative Motion to Discover.			
3-16-63	Memorandum Brief in Support of Plaintiffs' Reply to Objections of Defendant, General Motors Corporation to Interrogatories served February 19, 1963.			
3-22-63	Memorandum Brief of Deft., General Motors, to Interrogatories Propounded under Rule. 33.			
4-4-63	Interrogatories by Defendant, Davis Smith Chevrolet Company, Pursuant to R-33, RFCP.			
4-4-63	Motion of Davis Smith, d/b/a Smith Chevrolet Co. to Require Pltfs. to Answer Interrogatories in Less than 15 Days as required by R-33, FRCP.			
4-5-63	Motion of General Motors for Leave to Amend & Order Granting Motion. JP V P			
4-5-63	Second Amended Original Answer of General Motors Corp.			
4-18-63	Answers of Plaintiffs to Interrogatories by Deft. Davis Smith d/b/a Pursuant to R-33			
4-24-63	Plaintiffs' Motion to Strike and Exclude from the Jury Paragraph XIV of the Second Amended Original Answer of Deft. General Motors Corp.			
4-24-63	Brief in Support of Pltfs' Motion to Strike and Exclude from the Jury Par. XIV, etc.			
5-15-63	Interrogatories by Plaintiffs Pursuant to Rule 33, FRCP			
5-22-63	Pltfs. Notice of Taking Deposition on Written Interrogatories of David C. McCraw.			

Exhibit F, page 5

CAUSE NO. 906 RE: BARBARA JUNE MUNCY, ET VIR VS. GEN.MOTORS CORP ET AL.

DATE	PROCEEDINGS
5-24-63	Interrogatories by Plaintiffs Pursuant to Rule 33, FRCP.
5-25-63	Objections of General Motors to Interrogatories Pursuant to Rule 33,FRCP.
5-28-63	Answers of Davis Smith to Interrogatories Propounded by the Plaintiffs.
5-31-63	Answers to Interrogatories Propounded by Plaintiffs.
6-1-63	MOTION of Davis Smith, d/b/a, for Separate Trial of the Liability and Damage Issue.
6-1-63	Motion for Separate Trial of Davis Smith.
6-1-63	Brief in Support of Deft., Davis Smith's, Motion for Separate Trials and this Defendant's Motion for Separate Trial of the Liability and Damage Issues.
6-4-63	Motion for Separate Trial of Defendant General Motors Corporation.
6-4-63	Motion for Separate Trial of the Liability and Damage Issues of Gen.Motors.
6-4-63	Motion of Defendant General Motors Corporation for Leave to Amend.
6-4-63	Objections to Interrogatories Propounded by Plaintiffs Pursuant to Rule 33.
6-7-63	Answers of Deft., General Motors Corp. to Pltfs'. Interrogatories of 5-23-63
6-6-63	Answers of C. L. Lane & wife and Mrs. Nellie Hudnall to Interrogatories Propounded by Plaintiff.
6-12-63	Plaintiffs' Third Amended Original Complaint.
6-15-63	Second Amended Answer of Davis Smith, Individually and d/b/a .
6-18-63	ORDER Granting General Motors Leave to Amend, JJF, COB V 8 p 161.
6-18-63	Third Amended Original Answer of Defendant, General Motors Corporation.
6-18-63	ORDER of June 6, 1963.(After hearing in Beaumont)JJF, COB V 8 p 162.
6-18-63	Answers to Interrogatories Propounded by Plaintiff on May 14, 1963.
6-19-63	Third Supplemental Answer of Davis Smith,Individually, and d/b/aSm.ChevCo.
6-19-63	Filed Written Deposition of E. W. Washington.
6-20-63	General Motors Corporation's Answers to Interrogatories Propounded by Plaintiff, Pursuant to Rule 33.
6-21-63	Motion in Limine of General Motors Corporation.
6-24-63	To Trial
6-27-63	Hung Jury--Mistrial Declared -- Specially Set for Monday 10-28-63- 10A.M
10-4-63	Defendant, General Motors, Amended Answers to Interrogatories served 9-13-63 (Original Answers filed on Oct. 5, 1962) .
D.C.111	6-28-63-Case Specially Set for 10-28-63 10 A.M.

Exhibit F, page 6

CAUSE No. 906 Re: Muncy v. General Motors

DATE	PROCEEDINGS
10-12-63	Filed Pltfs motion to strike amended answer of Gen.Motors of 10-5-63
10-16-63	Filed General Motors reply to motion to strike amended ans. to interrog.
10-28-63	Filed Deft's. Brief in Support of Mo. in Limine
10-28-63	Continued for Trial on April 7, 1964 at 9:30 A.M.
1-14-64	Filed notice of taking deposition of Philip J. Passon of Warren Michigan
2-27-64	Filed Notice of the Taking of Depositions of : Fredrick G. Donner, John F. Gordon, Howard K. Gandelot & Mark Bauer
3-6-64	Filed Defendant's Motion for Protection and Brief
3-9-64	Filed Interrogatories Propounded by Defendant to Plaintiff
3-16-64	Filed Objections to Interrogatories Propounded by General Motors Corporatic March 6, 1964.
3-16-64	Filed Brief Supporting Objections of the Plaintiffs to Interrogatories Propounded by General Motors Corporation March 6, 1964.
3-28-64	Filed Defendant's Motion to Amend Answer
3-28-64	Filed Depositions of Mark H. Bauer, Edwin Dybvig, Robert Daley, Philip Passon and Stuart Meyer
4-3-64	Filed Motion (of Davis Smith) to Request Submission of Special Interrogatori to the Jury And Brief in Support of Motion
4-3-64	Filed Motion in Limine (Davis Smith)
4-3-64	Motion in Limine Regarding Certain Jury Arguments (Davis Smith)
4-6-64	Filed Answers of Philip J. Passon to Interrogatories Propounded by Deft.
4-6-64	Filed Answers of Robert H. Daley to Interrogatories Propounded by Deft.
4-6-64	Filed Supplemental Motion in Limine (Overruled)
4-6-64	Filed Motion in Limine of Davis Smith
4-3-64	Filed Deposition of J. A. Young
4-3-64	Filed Deposition of Ty D. Grigsby
4-8-64	Filed Order Granting Leave to File Fourth Amended Original Answer
* 10-16-63	Filed Order Striking Portions of Amended Answers of Gen. Motors to Interrogatories
4-9-64	Filed Verdict of the Jury Finding for the Plaintiffs and against (1) General Motors Corp. (2) Mrs. Nellie Hudnall (3) C. L. Lane (and wife) Alice Hudnall Lane and assessing damages at $225,000.00. Lester Bush, Foreman
4-10-64	Filed Final Judgment--Pltf. to recover $250,000.00 with 6% int. except from the Deft., Davis Smith, d/b/a Smith Chevrolet Co.--Civ. Or. Bk. 9, p.
4-15-64	Filed Motion to Amend Judgment and Order Granting Motion to Amend Judgment signed by Judge Fisher --Civ. Order Bk. 9, p. 165
4-15-64	Filed Amended Judgment (adding jointly and severally)--Civ. Order Bk. 9, p.
4-7-64	Filed Order Overruling Additional Motion in Limine

Exhibit F, page 7

CAUSE No. 906 : RE: Muncy vs. General Motors Corp.

DATE	PROCEEDINGS
4-14-64	Filed Letter from Burford, Ryburn & Ford with check from Home Indemnity Co. for $5,000.00 to be placed in the registry account for the use and benefit of the Muncys and their attorneys. This represents all of the liability of the Defendants, C. L. Lane, Alice H. Lane and Mrs. Nellie Hudnall
4-18-64	Filed Defendant's Motions: Motion for Directed Verdict; Renewal of Motion for Directed Verdict; Motion for Judgment Non Obstante Veredicto; Motion for New Trial
5-18-64	Filed Order Overruling Motion for Directed Verdict and Renewal of Motion for Directed Verdict--Civ. Or, Bk. Vol. 9, p. 192
5-18-64	Filed Order Order Overruling Motion for Judgment Non Obstante Veredicto Civ. Or. Bk. Vol. 9, p. 193
5-18-64	Filed Order Overruling Motion for New Trial--Civ. Or, Bk. Vol. 9, p. 194
5-25-64	Filed Reporter's Transcript -- two volumes.
6-15-64	Filed Notice of Appeal by Defendant, General Motors (Filing Fee Pd.)
6-15-64	Filed Cost & Supersedeas Bond
6-15-64	~~Filed Designation of Instruments to be Included in Appeal~~
6-15-64	~~Filed Designation of Points of Error to be Relied Upon~~ withdrawn
6-15-64	Filed Bill of Exceptions
6-17-64	Order on Bill of Exceptions--COB Vol 9, p. 210
7-7-74	Filed Bill of Exceptions by Deft., General Motors Corp. and ORDER Approving Bill of Exceptions, Judge Fisher, COB 10, p. 5
4-9-64	Order Overruling Motion of Deft., Smith, to Submit Special Interrogatories to Jury (filed 4-3-64 & 4-9-64)
4-3-64	Order Overruling Motion of Deft., Smith, to Restrict Evidence Concerning Estimates of Damages for pain & Suffering of Plaintiff (filed 4-3-64)
4-3-64	Order Granting Motion in Limine by Deft., Smith, filed 4-3-64
4-6-64	Order Granting Paragraph 1 & 2 on Motion in Limine by Deft., Smith, filed 4-6-64
Order on	Order on Deft., General Motors, Motion in Limine filed 6-21-63
4-9-64	Order Overruling Deft., General Motors, Motion to Request Submission of Special Interrogatories to the Jury
6-29-64	General Motors Motion for Extension of Time to File Appeal
7-7-74	Order Granting Extension of Time to file appeal (through 9-12-64) (Cert. copy sent to Court of Appeals)

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CIVIL DOCKET — Exhibit G, page 1 — Civil No. 906

UNITED STATES DISTRICT COURT

Jury demand date: Plaintiff 7-27-62

FPI ATLANTA—12-19-59—10M—3777

TITLE OF CASE	ATTORNEYS
BARBARA JUNE MUNCY AND HUSBAND, CHARLES MUNCY VS. GENERAL MOTORS CORPORATION, DAVIS SMITH, INDIVIDUALLY AND D/B/A SMITH CHEVROLET COMPANY, MRS. NELLIE HUDNALL AND C. L. LANE AND WIFE, ALICE HUDNALL LANE	For plaintiff: Franklin Jones Sr. P. O. Drawer 1249 Marshall, Texas William Hurwitz 1021 First National Bank Bldg. Longview, Texas For defendant: Burford, Ryburn & Ford (Dallas, Tex.) for Mrs. Nellie Hudnall, C. L. Lane and Alice Hudnall Lane Gordon Wellborn (Henderson, Texas) Strasburger, Price, Kelton, Miller & Martin (Dallas, Texas) for Davis Smith, Indv. & d/b/a Smith Chevrolet Kenley, Ritter & Boyland (Longview, Tex) Fulbright, Crooker, Freeman, Bates & Jaworski (Houston, Tex.) for General Motors Corp.

$50,239.85-Personal injury to Barbara June Muncy on 9-15-60, in Kilgore, Texas. Parked car of Mr. & Mrs. C. L. Lane, in which Mrs. Nellie Hudnall was a passenger, plunged onto sidewalk allegedly crushing Barbara June Muncy against plate glass window of Duncan's Variety Store. Her left leg amputated above knee. Right leg mutilated and deformed as result of accident.

STATISTICAL RECORD	COSTS			DATE	NAME OR RECEIPT NO.	REC.		DISB.	
J.S. 6 mailed	Clerk Plff.	15	00	7-27	Jones	15	00		
				7-27	To Tyler			15	00
				C. D.	201 #5	15	00	15	00
J.S. 6 mailed	Marshal			4-14-64	#19996 (Tyler) Registry Acct. from Home Indemnity Co.	5000	00		
Basis of Action:	Docket fee								
	Witness fees			6-15-64	Kenley	5	00	Appeal	
Action arose at:	Depositions			6-19	To Tyler			5	00
				6-22	C.D. 201 #55			5	00

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-27-62	Original Complaint, issued summons and handed to Franklin Jones, Sr.	
7-31-62	Filed Marshal's Return: Mrs. Nellie Hudnall served in person, Overton, Texas C. L. Lane and Mrs. C. L. Lane served in person, Overton, Texas— All served 7-27-62	
8-4-62	Filed Marshal's Return: Davis Smith, Indv. & d/b/a Smith Chevrolet served 7-30-62; General Motors served through D. E. Wahl, Dallas on 8-1-62.	
8-8-62	Filed Original Answer of Mrs. Nellie Hudnall, C. L. Lane & Alice Hudall Lane with Motion to Dismiss (8-24-62 MOOT)	
8-16-62	Filed Original Answer of Davis Smith, Indv. and d/b/a Smith Chevrolet with Motion to Dismiss (8-24-62 MOOT)	
8-17-62	Filed Plaintiff's Answer to Motions to Dismiss now filed or that may be filed.	
8-17-62	Filed Motion of Plaintiff to Strike Pleadings to Abate or Stay Proceedings Therein On Account of State Court Proceedings	
8-23-62	Filed Original Answer of General Motors (Motion for Change of Venue)	
8-24-62	Filed Plaintiff's Motion for More Definite Statement	
8-30-62	Filed Plaintiff's Answer to Motion for Change of Venue	
8-30-62	Filed Brief in Support of Answer to Motion for Change of Venue	
9-14-62	Filed Plaintiff's Interrogatories Propounded to General Motors	
9-16-62	Filed Request of Nellie Hudnall and C. L. and Alice Hudnall Lane to Amend (to include Cross-Action against General Motors and Davis Smith)	
9-16-62	Filed Order Granting Nellie Hudnall [illegible] C. L. and Alice Hudnall Lane Leave to Amend	
9-17-62	Filed First Amended Answer of Nel[illegible]nall, C. L. Land & Alice Hudanll Lane	
9-19-62	Filed Answer of Davis Smith, Indv. & as Smith Chevrolet Co. to the Cross Action of Nellie Hudnall, C. L. Lane & Alice Hudnall Lane.	
10-3-62	Filed Plaintiff's Motion for Separate Trial of Pleas for Contribution filed by all Defendants.	
10-3-62	Filed Brief in Support of Motion for Separate Trial of Pleas	
10-5-62	Filed Order Denying Motion for Change of Venue and Granting Motions for More Definite Statements	
10-5-62	Filed Plaintiff's Motion for Leave to Amend	
10-12-62	Filed Order Granting Plaintiffs Leave to Amend	
10-12-62	Filed Plaintiff's Amended Original Complaint	
10-6-62	Filed Plaintiff's Interrogatories Propounded to Davis Smith, Indv. and d/b/a Smith Chevrolet Co.	
10-10-62	Filed Answers of General Motors to Interrogatories Propounded by Plaintiffs (9-13-62)	
10-11-62	Filed Supplemental Answer of Davis Smith, Indv. & d/b/a Davis Chevrolet Company	
10-13-62	Filed Plaintiff's Motion for Order Requiring General Motors to Answer all Interrogatories served 9-13-62.	
10-13-62	Filed Plaintiff's Motion to Require General Motors to Answer Interrogatories Nos. 60(a) and 64(a) and for Discovery	
10-13-62	Filed Brief in Support of Above Two Motions by Plaintiff	
10-15-62	Filed Brief of Davis Smith in Opposition to Motion for Separate Trials (filed by Pltf. on 10-3-62)	
10-15-62	Filed Order Requiring General Motors to Answer Interrogatories (all)	
10-15-62	Filed Order Requiring General Motors to Answer Interrogatories Nos. 60(a) & 64(a) and On Motion for Discovery	

Exhibit G, page 3

CAUSE NO. 906 RE: MUNCY VS GENERAL MOTORS, ET AL

DATE	PROCEEDINGS
10-15-62	Filed Motion of C. L. Lane, Alice Hudanll Lane & Mrs. Nellie Hudnall for Leave to Amend
10-15-62	Filed Order Granting Leave to Amend to C. L. Lane, Alice Hudnall Lane and Mrs. Nellie Hudnall
10-15-62	Filed Second Amended Answer of C. L. Lane, Alice Hudnall Lane and Mrs. Nellie Hudnall
10-18-62	Filed Plaintiff's Request for Admissions of Facts & Genuineness of Documents Directed to General Motors
10-19-62	Filed Motion of Davis Smith to Amend & Order Granting Leave to Amend
10-19-62	Filed First Amended Original Answer of Davis Smith, Indv. and d/b/a Davis Smith Chevrolet Company
10-19-62	Filed Answers of Davis to Interrogatories Propounded by Plaintiff
10-19-62	Filed Plaintiff's Motion for Discovery & Production of Documents for Inspection, Copying and Photographing
10-20-62	Filed Plaintiff's Notice of Taking of Deposition of Lavon Musick
10-23-62	Filed Plaintiff's Answer to Motion of General Motors and Davis Smith To Not Be Compelled to Answer and Furnish Statements per Certain Interrogatories
10-25-62	Filed Plaintiff's Motion to Amend and Order Granting Leave to Amend
10-25-62	Filed Second Amended Original Complaint
10-25-62	Filed Motion of General Motors for Leave to Amend and Order Granting Motion--By Substituting Certain Amended Pages in Amended Complaint
10-25-62	Filed First Amended Original Answer of General Motors
10-25-62	Order on Plaintiff's Motion for Discovery
10-26-62	Filed Answer of Defendants, C. L. Lane, Alice Hudnall Lane & Mrs. Nellie Hudnall to Plaintiff's Motion for Discovery
10-27-62	Filed Davis Smith's Answer to Plaintiff's Motion for Discovery
10-30-62	Filed Answer of General Motors to Plaintiff's Motion for Discovery
10-31-62	Filed Motion and Order Granting Leave to Davis Smith to Supplement
10-31-62	Filed Second Supplemental Answer of Davis Smith
11-2-62	Filed Amended Answers of General Motors to Interrogatories Propounded by Plaintiff and served 9-13-62
11-2-62	Filed Additional Answers to Interrogatories by General Motors propounded by Plaintiff and served on 9-13-62
11-5-62	Filed Deposition of Witness Charlie H. Flowers
12-7-62	Filed Plaintiff's Notice of Taking of Deposition of Levon Musick on Written Interrogatories
12-7-62	Filed Deposition of Levon Musick (Exhibit Pltf. # 15)

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Exhibit G, page 4

CAUSE NO. 906 RE: MUNCY VS GENERAL MOTORS, ET AL

DATE	PROCEEDINGS
2-20-63	Filed Plaintiff's Interrogatories Propounded to General Motors
2-20-63	Filed Plaintiff's Interrogatories Propounded to Alice H. Lane & Mrs. Nellie Hudnall
2-20-63	Filed Plaintiff's Interrogaories Propounded to Davis Smith, Indv. and d/b/s Smith Chevrolet Company
2-28-63	Filed Objections of General Motors to Interrogatories Propounded by Plaintiff (2-20-63)
3-1-63	Filed Objections of Alice H. Lane & Mrs. Nellie Hudnall to Interrogatories Propounded by Plaintiff (2-20-63) and Motion to Strike
3-1-63	Brief in Support of Objections to Interrogatories and Motion to Strike
3-6-63	Answers of Davis Smith to Interrogatories Propounded by Plaintiff (2-20-63)
3-16-63	Filed Plaintiff's Answers to Objections of General Motors to Interrogatories Propounded by Plaintiff (2-20-63) and Motion to Discover & Brief
3-22-63	Filed Memorandum Brief of General Motors on Objections to Interrogatories
4-1-63	Filed Pre-Trial Order--signed by Judge Joe J. Fisher--COB 10-p.14
4-3-63	Filed Plaintiff's Motion and Order Granting Leave to Use Depositions of Charlie H. Flowers and Layon Musick
4-4-63	Filed Interrogatories of Davis Smith to Plaintiffs
4-4-63	Filed Motion to Require Answers to Interrogatories Propounded by Davis Smith to Plaintiffs in Less than Fifteen Days
4-5-63	Filed Motion of General Motors to Amend and Order Granting Motion
4-5-63	Filed Second Amended Original Answer of General Motors
4-18-64	Filed Plaintiff's Answers to Interrogatories by DAvis Smith
4-24-63	Filed Plaintiff's Motion to Strike and Exclude from the Jury Paragraph XIV of the Second Amended Original Answer of General Motors and Brief
4-24-63	Filed Order Sustaining Plaintiff's Motion to Strike Paragraph XIV of the Second Amended Answer of General Motors--JJF--COB 10, p. 15
5-15-63	Filed Plaintiff's Interrogatories Propounded to Defendants, General Motors and Davis Smith
5-22-63	Filed Notice of Plaintiff's Taking of Deposition of David C. McGraw
5-24-63	Filed Plaintiff's Interrogatories Propounded to All Defendants
5-25-63	Filed General Motors Objections to Interrogatories Propounded by Plaintiff (filed 5-24-63)
5-28-63	Filed Davis Smith's Answers to Interrogatories Propounded by Plaintiff (filed 5-24-63)
5-31-63	Filed Davis Smith's Answers to Interrogatories Propounded by Plaintiff (filed 5-15-63)
6-1-63	Filed Motion of Davis Smith for Separate Trial of Lisbility & Damage Issues

Exhibit G, page 5

CAUSE NO. 906 Re: MUNCY VS GENERAL MOTORS, ET AL

DATE	PROCEEDINGS
6-1-63	Filed Motion of Davis Smith for Separate Trial and Briefs
6-4-63	Filed Motion of General Motors for Separate Trial
6-4-63	Filed Motion of General Motors for Separate Trial of the Liability and Damage Issues
6-4-63	Filed General Motors Objections to Interrogatories Propounded by Plaintiffs on 5-23-63
6-4-63	Filed Motion of General Motors for Leave to Amend
6-18-63	Filed Order Granting Leave for General Motors to Amend
6-18-64	Filed Third Amended Original Answer of General Motors
6-7-63	Filed Answers of C. L. Lane, Alice Hudnall Lane & Mrs. Nellie Hudnall to Interrogatories Propounded by Plaintiffs on 5-24-63
6-7-63	Filed Answers of General Motors to Interrogatories Propounded by Plaintiffs on 5-23-63
6-12-63	Filed Third Amended Original Complaint of Plaintiffs
6-18-63	Filed Second Amended Answer of Davis Smith, Indv. & Smith Chevrolet Co.
6-18-63	Filed Order of June 6, 1963 (After Oral Hearing in Beaumont) COB 8, p. 16
6-18-63	Filed Answers of General Motors to Interrogatories Propounded by Plaintiff on 5-14-63
6-19-63	Filed Third Supplemental Answer of Davis Smith, Indv. & Smith Chevrolet
6-19-63	Filed Deposition of E. W. Washington
6-19-63	Filed Plaintiffs Motion for Instructions Not to Inquire Into Benefits from a Collateral Source and Order
6-21-63	Filed General Motors Motion in Limine
6-21-63	Filed Order Granting in Part & Overruling in Part Motion of General Motors Motion in Limine (JJF) COB 10, p. 8
6-24-63	Filed Davis Smith, Indv. & Smith Chevrolet's Motion in Limine and Order
6-25-63	Filed Affidavit of David C. McGraw
TO TRIAL	6-24-63 THROUGH 6-27-63 (4 days)
6-27-63	Hung Jury--Mistrial Declared--Case Set For 10-28-63
10-4-63	Filed Amended Answers of General Motors to Interrogatories Propounded by Plaintiffs (served 9-13-62) (Answered 10-5-62)
10-12-63	Filed Plaintiff's Motion to Strike Amended Answers to Interrogatories (Answered on 10-5-63)
10-16-63	Filed General Motors Answer to Motion to Strike Amended Answers to Interrogatories (Motion filed 10-12-63)
10-16-63	Filed Order Striking Portions of Amended Answers of General Motors to Interrogatories (Original Answers filed 10-5-62)
10-28-63	Filed Defendant's Brief in Support of Motion in Limine
10-28-63	CASE CONTINUED FOR TRIAL TO APRIL 7, 1964

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Exhibit G, page 6

CAUSE NO. 906 RE: MUNCY VS GENERAL MOTORS, ET AL

DATE	PROCEEDINGS
-14-64	Filed Notice of the Taking on the Deposition of Philip J. Passon by General Motors
-16-64	Notice of the Taking of the Deposition of Robert H. Daley by General Motors
-27-64	Filed Notice of the Taking of Depositions of the following: Fredrick G. Donner, John F. Gordon, Howard K. Gandelot & Mark Bauer
-6-64	Filed General Motors Motion for Protection and Brief
-6-64	Filed Order Overruling General Motors Motion for Protection
-9-64	Filed General Motors Interrogatories Propounded to Plaintiff
-16-64	Filed Plaintiff's Objections to Interrogatories Propounded by General Motors on 3-6-64 and Brief
-28-64	Filed Motion of General Motors to Amend
-8-64	Filed Order Granting General Motors Leave to Amend
-8-64	Filed Fourth Amended Original Answer of General Motors
-28-64	Filed Depositions of: Mark H. Bauer, Edwin Dybvig, Robert Daley, Philip Passon and Stuart Meyer
-3-64	Filed Motion of Davis Smith to Request Submission of Special Interrogatori to the Jury---And Brief in Support of Motion
[illegible]	[illegible]
4-3-63	Filed Motion in Limine of Davis Smith, Indv. & d/b/a Smith Chevrolet
4-3-64	Filed Motion [illegible] of Davis Smith (Regarding Certain Jury Arguments)
4-3-64	Filed Order Overruling Motion of Davis Smith to Restrict Evidence
4-3-64	Filed Order Granting in Part Motion in Limine of Davis Smith
4-6-64	Filed Answers of Robert H. Daley to Interrogatories Propounded by General Motors
4-6-64	Filed Answers of Philip J. Passon to Interrogatories Propounded by General Motors
4-6-64	Filed Motion in Limine by Davis Smith, Indv. & d/b/a Smith Chevrolet Co.
4-6-64	Filed Order Granting Motion in Limine by Davis Smith (Judge Fisher) COB Vol. 10, p. 10
4-6-64	Filed Motion in Limine (Supplemental) by General Motors
4-6-64	Filed Order Overruling Additional Motion in Limine by General Motors (Judge Joe J. Fisher) COB Vol 9, p. 166
4-9-64	Filed Motion of Davis Smith To request Submission of Special Interrogatori To The Jury
4-9-64	Filed Requested Special Interrogatories of Davis Smith
4-9-64	Filed Requested Instructions of Davis Smith (3)
4-9-64	Filed Order Overruling Motion of Defendant Smith to Submit Special Interrogatories to the Jury--Judge Fisher--COB Vol. 10, p. 13

Exhibit G, page 7

CAUSE NO. 906 RE: MUNCY VS GENERAL MOTORS

DATE	PROCEEDINGS
4-9-64	Filed Motion of General Motors to Request Submission of Special Interrogatories To The Jury
4-9-64	Filed Defendant, General Motors Requested Instructions (6)
4-9-64	Filed Defendant, General Motors, Requested Special Interrogatories (36)
4-9-64	Filed Order Overruling Defendant, General Motors, Request for Submission of Special Interrogatories To The Jury (Judge Fisher) COB 10, p. 7
4-9-64	Filed Renewal of Motion for Directed Verdict
4-9-64	Filed Jury Verdict finding for the Plaintiff and against (1) General Motors (2) Mrs. Nellie Hudnall (3) C. L. Land and wife, Alice Hudnall Lane and Assessing Damages at $225,000.000--Lester Bush, Foreman
4-10-64	Filed Judgment--Plaintiff to recover $250,000.00 with 6% interest except from Defendant, Davis Smith, Indv. & d/b/a Smith Chevrolet Co. Judge Joe J. Fisher--COB Vol. 9, p. 160
4-14-64	Filed Letter from Buford, Ryburn & Ford with check from Home Indemnity Co. for $5,000.00 to be placed in the registry of the Court for the use and benefit of the Muncys and their attorneys. This represents all of the liability of the Defendants, C. L. Lane, Alice Hudnall Lane and Mrs. Nellie Hudnall
4-15-64	Filed Motion of Plaintiffs to Amend Judgment and Order Granting Motion
4-15-64	Filed Amended Judgment--Judge Joe J. Fisher--COB Vol. 9, p. 164
4-18-64	Filed General Motors Motion for Judgment Non Obstante Veredicto
4-18-64	Filed Order Overruling Motion for Judgment Non Obstante Veredicto (Judge Fisher) COB--V. 9, p. 193
4-18-64	Filed Motion of General Motors for Directed Verdict
4-18-64	Filed Order Overruling Motion fot Directed Verdict and Renewal of Motion for Directed Verdict (Judge Fisher)--COB V. 9, p. 192
4-18-64	Filed General Motors Motion for New Trial
4-18-64	Filed Order Overruling Motion for New Trial (Judge Fisher) COB 9, p. 194
6-15-64	Filed Bill of Exceptions and Order Approving filed 6-17-64
6-15-64	Filed Notice of Appeal by General Motors
6-15-64	Filed Cost and Supersedeas Bond--Approved June 22, 1964 by Judge Joe J. Fisher
6-17-64	Filed Request for Transcript of Record On Appeal by General Motors
6-29-64	Filed Motion for Extension of Time to File Record In Court of Appeals
7-7-64	Filed Order Granting Extension of Time to File Appeal Up to and Through September 12, 1964. (Judge Joe J. Fisher) (copy sent to Court of Appeals)
7-7-64	Filed Bill of Exceptions and Order Approving (Judge Joe J. Fisher) COB V. 10, p. 5
7-17-64	Filed Plaintiff's Motion for Order Allowing Withdrawal of Transcript
7-27-64	Filed Order Allowing Withdrawal of Trnascript

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Docket No. 906

8-25-64	Bill of Exception
9-2-64	Filed Order Granting Bill of Exception. Mailed Complete Original Record, Transcript and Exhibits to U. S. Court of Appeals, Fifth Circuit, New Orleans, La.
5-15-67	Received and filed from the U. S. Court of Appeals, Fifth Circuit: Judgment issued as Mandate, "Judgment of District Court is hereby reversed; and that this Cause be, and is hereby remanded to the said District Court with directions, in accordance with the opinion of this Court; It is further Ordered and adjudged that the appellees, Barbara June Muncy and Charles Muncy, be condemned, in solido, to pay the costs of this cause in this Court for which execution may be issued out of the said District Court. Court Costs: Docketing $25.00, Printing $2,832.50, Total $2,857.50." From the Opinion of the Fifth Circuit Court: "We are led to the conclusion that the motion of General Motors for a directed verdict should have been granted. The Judgment of the District Court is reversed and the cause is remanded with directions to enter a judgment for General Motors Corporation".
5-15-67	Received from U. S. Court of Appeals: one box and two packages which contained the following: record on appeal, transcript vols. I-V, box of exhibits and package of exhibits.

Certiorari denied by Supreme Court, Order and Opinion of Fifth Circuit Ct. dated 10-6-66.